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2/18/2010

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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16 JUAN CARLOS CUELLAR; JOSE) Case No. C09-04047 JW RS
17 ALBERTO GARCIA; JORGE ALEGRIA;) NOTICE OF DISMISSAL WITH
18 JORGE CALDERON; and ISMAEL) PREJUDICE AS TO JEFF LUCHETTI
19 CALDERON,) CONSTRUCTION, INC.; FIDELITY
20 Plaintiffs,) AND DEPOSIT COMPANY OF
21 v.) MARYLAND; AND EVERGREEN
22) SCHOOL DISTRICT
23 ANTHONY FIDEL ALAMILLO; FIDEL)
24 CABRAL ALAMILLO; CARRIE ANN)
25 ALAMILLO; C&F ALAMILLO STEEL, A)
26 PARTNERSHIP; AMERICAN)
27 CONTRACTORS INDEMNITY COMPANY;) CONSTRUCTION COMPANY;
28 TRAVELERS CASUALTY AND SURETY)
29 COMPANY OF AMERICA; SAFECO)
30 INSURANCE COMPANY OF AMERICA;)
31 FIDELITY AND DEPOSIT COMPANY OF)
32 MARYLAND; JEFF LUCHETTI)
33 CONSTRUCTION, INC.;)
34 GONSALVES & STRONCK)
35 CONSTRUCTION COMPANY, INC.; PAGE)
36 CONSTRUCTION COMPANY;) EVERGREEN SCHOOL DISTRICT;
37 EVERGREEN SCHOOL DISTRICT;) MENLO PARK CITY SCHOOL DISTRICT;
38 CITY OF SANTA CLARA ,)
39 Defendants.)
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1 NOTICE IS HEREBY GIVEN THAT PLAINTIFFS:

- 2 (1) JUAN CARLOS CUELLAR;
3 (2) JOSE ALBERTO GARCIA;
4 (3) JORGE ALEGRIA;
5 (4) JORGE CALDERON; and
6 (5) ISMAEL CALDERON

7 hereby dismiss defendants:

- 8 (1) JEFF LUCHETTI CONSTRUCTION, INC.;
9 (2) FIDELITY AND DEPOSIT COMPANY OF MARYLAND; AND
10 (3) EVERGREEN SCHOOL DISTRICT

11 with prejudice pursuant to FRCP 41(a)(2).

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13 Respectfully submitted,

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15 By: //s// Tomas E. Margain

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17 TOMAS MARGAIN
18 Attorneys for Plaintiffs

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